Paper No. 5

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OFFICE OF PETITIONS

In re Application of: :
Anma, et al.   : DECISION GRANTING
Application No. 09/742,751   : PETITION
Filed: December 20, 2000   :
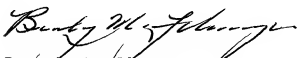Attorney Docket No. SIMTEK5685   :

This is a decision on the petition filed September 28, 2001, requesting that the above-identified application be accorded a filing date of December 20, 2000.

A review of the original application papers shows that the papers were stamped in the Patent and Trademark Office (PTO) with a December 20, 2000 Office generated barcode. The filing date of the application is the date shown on the Office generated barcode or "Office Date" stamp. See MPEP 505. In addition, petitioners have submitted a copy of the itemized postcard receipt for the above-identified application bearing an Office generated barcode dated December 20, 2000 affixed thereto. The return postcard constitutes *prima facie* evidence that this application was filed on December 20, 2000. MPEP 503. A review of Office records reveals that December 20, 2000 is the filing date accorded to this application. Obviously, the December 22, 2000 filing date shown on applicants' filing receipt, mailed March 9, 2001 is a typographical error.

Accordingly, the petition is <u>granted</u>. No petition fee is required and none has been charged.

The application is being returned to the Office of Initial Patent Examination for mailing of a corrected filing receipt showing the filing date of the application as <u>December 20, 2000</u>, not December 22, 2000.

Telephone inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

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